

### **REMARKS**

Claim 1 is amended to further clarify the subject matter. This amendment is supported at least by the specification at FIG. 1, which shows the meso-porous filter layer 14 covering over the catalytic layer 15 without any gaps in coverage (i.e., the filter layer 14 continuous over the catalytic layer 15). By not having gaps in the filter layer 14, the filter layer 14 may “function to prevent red blood cells 12 and white blood cells 13 from . . . reaching the catalytic layer 15.” (Specification at ¶ [0016]).

Claim 37 is amended to specify that the catalyst comprises a metal oxide, as supported at least by the specification at ¶ [0019]. New claims 40-43 are added. New claim 40 specifying that the filter layer comprises a ceramic material (e.g., titanium oxide, aluminum oxide, etc.) is supported at least by ¶¶ [0018] and [0022]. New claim 41 is supported at least by ¶¶ [0018] and [0022]. New claim 42 is supported at least by original claim 10. New claim 43 is supported at least by ¶ [0027].

### **REJECTIONS UNDER § 103**

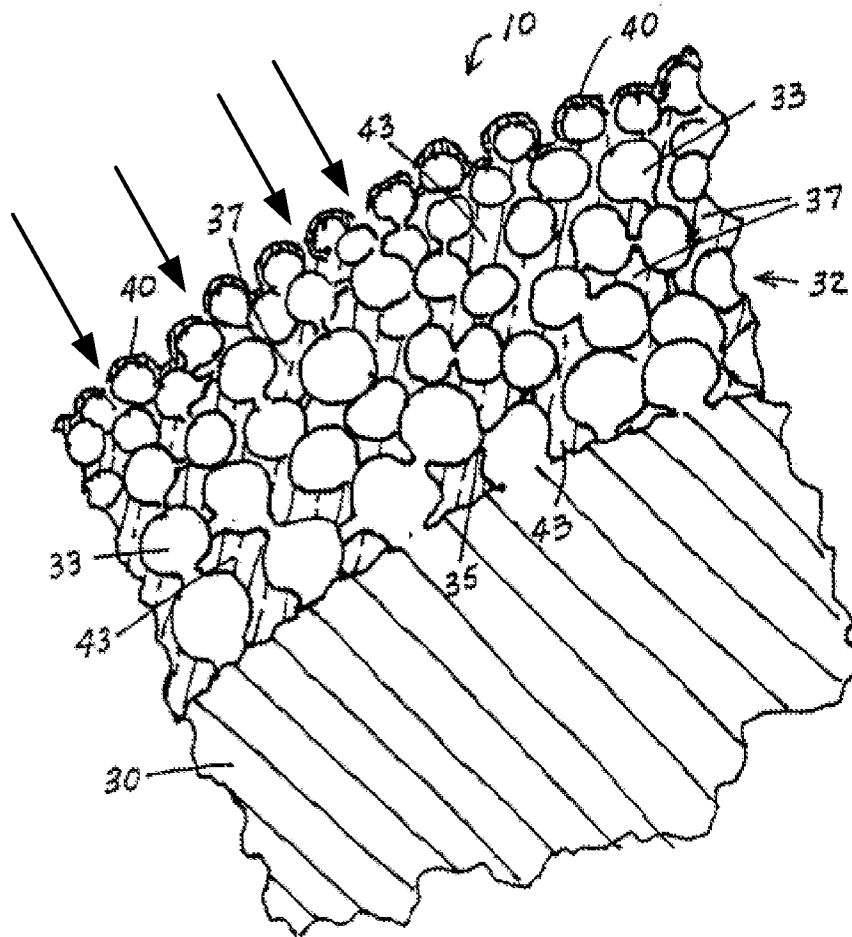
Claim 1 and various claims that depend therefrom stand rejected under § 103(a) as being unpatentable over Alt ‘438 (US 2004/0039438) in view of Narhi (US 7,527,804); and for claims 21, 22, and 28, further in view of Smalley (US 2002/0085968). Claims 31-33 and 39 stand rejected under § 103(a) as being unpatentable over Trozera (US 6,475,233) in view of Alt ‘438 and Narhi. Applicants respectfully request reconsideration of these rejections.

Independent claims 1 and 31 recite a “*continuous* filter layer, wherein the filter layer *continuously* covers a catalyst that promotes the decomposition of hydrogen peroxide.” This is demonstrated in the example shown in FIG. 1, which shows the meso-porous filter layer 14 covering over the catalytic layer 15 without any gaps in coverage (i.e., the filter layer 14 is continuous over the catalytic layer 15). By not having gaps in the filter layer 14, the filter layer 14 may “function to prevent red blood cells 12 and white blood cells 13 from . . . reaching the catalytic layer 15.” (Specification at ¶ [0017]).

The Office Action refers to FIG. 2 in Alt ‘438 as showing an implant body 30 having a surface covered with an intermediate layer 32 that is purported to represent a catalyst, and an outer coating 40, which is purported to represent a filter layer. In contrast to the claimed invention, however, FIG. 2 of Alt ‘438 shows the presence of gaps in outermost layer 40. To

better illustrate, FIG. 2 of Alt '438 is reproduced below with arrows pointing to the gaps in outermost layer 40.

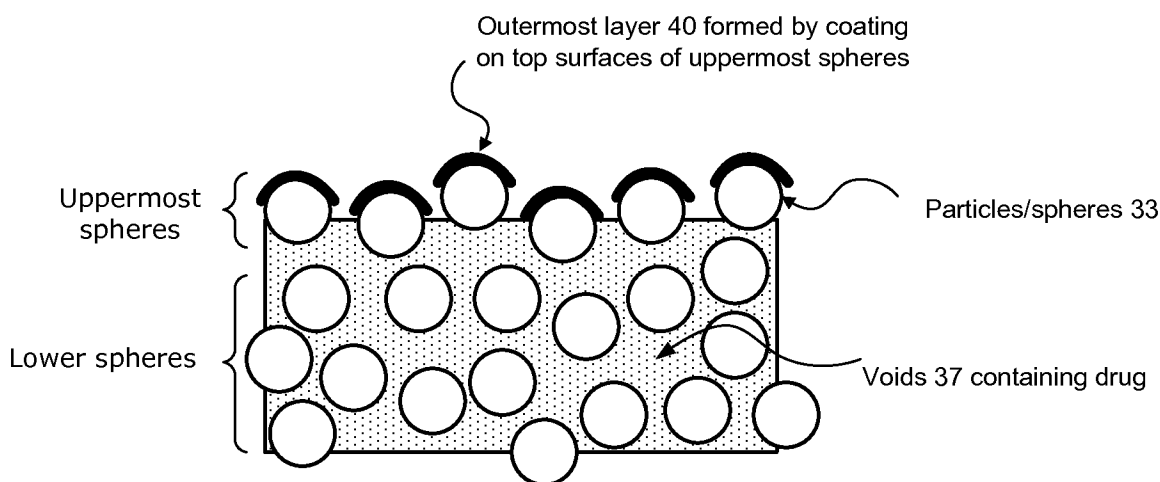
**Figure 2 of Alt (with arrows pointing at the gaps in outermost layer 40)**



Furthermore, Alt '438 teaches away from providing outermost layer 40 as a continuous layer. At ¶ [0038], Alt '438 states as follows (emphasis added):

Layer 40 need not and *preferably does not fully coat all surfaces* in the interstices of the porous intermediate layer 32, but need *merely cover the more exposed surfaces* of particles 33 of that underlying layer . . . . As shown in FIG. 2, these are primarily the *top surfaces* of the *uppermost spheres* of intermediate layer 32.

Thus, Alt '438 teaches that the outermost layer 40 should “*merely* cover the more exposed surfaces of particles 33” and more specifically, “*primarily the top surfaces of the uppermost spheres of intermediate layer 32.*” Applicants provide an illustration of this description below, which shows the uppermost particles/spheres having only its top surfaces being coated to provide outermost layer 40. This non-continuous coverage of the particles in the outermost layer 40 results in gaps in outermost layer 40 (see also the above reproduction of FIG. 2 of Alt '438).



Moreover, Alt '438 teaches away from providing outermost layer 40 as a continuous coating. As explained above, Alt '438 at ¶ [0038] states that outermost layer 40 “*preferably* does not fully coat all surfaces.” Instead, Alt '438 teaches that outermost layer 40 should “*merely* cover the more exposed surfaces of particles 33” and “*primarily the top surfaces*” of the particles, thereby providing gaps in outermost layer 40. In fact, because the voids 37 between the particles 33 contain drugs that are intended for release (see ¶¶ [0036], [0039], and [0040]), gaps are needed in outermost layer 40 to allow for the release of the drugs from the stent. Thus, Alt '438 teaches away from providing outermost layer 40 as a continuous coating over the layer of particles 33.

Neither Narhi, Trozera, nor Smalley cures these deficiencies of Alt '438, nor supplies any motivation for providing outermost layer 40 as a continuous coating. For at least these reasons, Applicants respectfully submit that claims 1 and 31, and the claims that depend therefrom, are non-obvious in view of Alt '438 in view of Narhi, Trozera, and/or Smalley. Accordingly, withdrawal of the rejections is respectfully requested.

**Summary**

Alt '438 does not disclose that its outermost layer 40 is a continuous coating. Instead, Alt '438 discloses that there are gaps in outermost layer 40. Moreover, Alt '438 teaches away from providing outermost layer 40 as a continuous coating because the gaps in outermost layer 40 are needed to allow for drug release. Therefore, the invention of claims 1 and 31 are neither anticipated nor rendered obvious by the cited references.

**CONCLUSION**

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

Date: 15 October 2009

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